



## Financial Assistance Award

### DENALI COMMISSION

510 "L" Street, Suite 410  
Anchorage, Alaska 99501

(907) 271-1414 (phone)

(907) 271-1415 (fax)

[www.denali.gov](http://www.denali.gov)

Authority  
112 Stat 1854

CFDA Number  
90.100

Denali Commission Finance  
Officer Certification

Award Number

291-07

Award Title

Gulkana Road Paving Project

Performance Period

08/01/2007-03/31/2009

Authorizing Resolution

06-17

#### Recipient Organization & Address

Mr. John Devenport

Project Manager

P.O. Box 254

Gakona, AK 99586

Phone: (907) 822-3172

Fax: (907) 822-3976

Recipient DUNS # 0011-42-814 TIN # 92-0037705

#### Cost Share Distribution Table

Accounting Code	Denali Commission	Other Contributors	Total
SAFETEA-LU SS 1960	\$1,800,000		\$1,800,000
SAFETEA-LU SS 1960 match		\$162,541	\$162,541
Total	\$1,800,000	\$162,541	\$1,962,541

This Financial Assistance Award approved by the Federal Co-Chair of the Denali Commission is issued in duplicate and constitutes an obligation of federal funding. By signing both documents, the Recipient agrees to comply with the Award provisions indicated below and attached. Upon acceptance by the Recipient, signed Award document shall be returned to the Federal Co-Chair of the Denali Commission and the Recipient shall retain the other document. If not signed and returned without modification by the Recipient within 30 days of receipt, the Federal Co-Chair may unilaterally terminate this Award.

- ☒ Special Award Conditions and Attachments
- ☐ Line Item Budget
- ☒ OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations  
(<http://www.whitehouse.gov/omb/circulars/a133/a133.html>)
- ☒ Denali Commission and Department of Transportation and Public Facilities Memorandum of Agreement July 2006
- ☒ Denali Commission and Federal Highway Administration Memorandum of Agreement July 2006
- ☒ SAFETEA-LU Section 1960 or Section 1934, or Section 3011 as applicable

#### Administrative Requirements (check one)

- ☒ OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments  
(<http://www.whitehouse.gov/omb/circulars/a102/a102.html>)
- ☐ 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (OMB Circular A-110)  
([http://www.access.gpo.gov/nara/cfr/waisidx\\_05/2cfr215\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx_05/2cfr215_05.html))

#### Cost Principles (check one)

- ☒ OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments  
([www.whitehouse.gov/omb/circulars/a087/a087-all.html](http://www.whitehouse.gov/omb/circulars/a087/a087-all.html))
- ☐ OMB Circular A-122, Cost Principles for Nonprofit Organizations  
([www.whitehouse.gov/omb/circulars/a122/a122.html](http://www.whitehouse.gov/omb/circulars/a122/a122.html))
- ☐ OMB Circular A-21, Cost Principles for Educational Institutions  
(<http://www.whitehouse.gov/omb/circulars/a021/a021.html>)
- ☐ 48 CFR 31.2, Contracts with Commercial Organizations

Signature of Authorized Official - Denali Commission

Typed Name and Title

George J. Canellos, Federal Co-Chair

Date

8/4/07

Signature of Authorized Official - Gulkana Village Council

Typed Name and Title

Roy S. Ewan, President

Date

August 8, 2007

## ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.


PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL Roy S. Ewan 		TITLE President
APPLICANT ORGANIZATION Gulkana Village Council		DATE SUBMITTED August 8, 2007
Award# 291-07		

## ASSURANCES - CONSTRUCTION PROGRAMS

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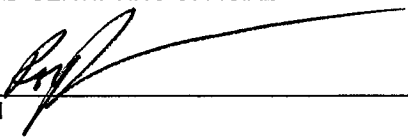
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2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
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11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
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15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		TITLE
Roy S. Ewan 		President
APPLICANT ORGANIZATION		DATE SUBMITTED
Gulkana Village Council      Award# 291-07		August 8, 2007

***Award Conditions to the Financial Assistance Award  
Between the Denali Commission and  
Gulkana Village Council for Gulkana Road Paving Project  
Award No. 291-07  
August 2007***

***1. Scope of Work***

Denali Commission is providing \$1,800,000 in Section 1960 SAFETEA-LU funds to the Gulkana Village Council for the subject project. Gulkana Village Council is providing the required match funds for the project. Denali Commission funds and match funds will be managed by the Gulkana Village Council.

The project consists of design and construction of improvements to the Gulkana Road from the Richardson Highway to Gulkana and Gulkana community streets to improve safety and reduce dust in the community. The project will improve the roads through roadbed shaping, drainage system repairs, and applying an asphalt pavement surface.

Construction will occur in accordance with the project's NEPA Environmental Assessment and design plans. Gulkana Village Council will prepare and Denali Commission will certify documents that determine Right of Way is adequate for construction. The approved environmental and Right of Way documents will be retained in the project's file at Denali Commission.

This project will provide improved safety and quality of life for area residents of and visitors to Gulkana. Gulkana is the owner of the roads in the project and through BIA Tribal Shares and other funding sources will be responsible for ongoing maintenance of the roads after construction is complete.

The project sponsor, Gulkana Village Council, (Recipient) has demonstrated the administrative capability for managing Denali Commission funds, as documented by the Denali Commission Transportation Program Manager (Manager) and retained in the subject award file. Denali Commission, in consultation with the Federal Highway Administration, Alaska Division (FHWA) will provide financial management and project development technical assistance throughout the project to assist in successful project execution.

All payments for design and/or construction tasks associated with the subject project are on a reimbursable payment basis.

Contractual and consulting services used in this project shall be procured in an open and fair competitive manner, consistent with the Federal Acquisition Requirements (FARS) and other applicable federal law.

Contractual services procured through sole-source contracts, or through processes that do not meet the FAR and/or Title 23 requirements, will not be eligible for Denali Commission funding.

Prior to starting the competitive-bid process for design engineering and/or construction management services, the Recipient will meet in a pre-bid meeting with the Manager to review the procurement process.

The Manager, in consultation with FHWA, will work with the Recipient to develop a procurement process applicable to project conditions. The Manager will approve the procurement process prior to advertising for design engineering and/or construction management services.

Subsequent to the successful award of a design engineering and/or construction management contract, the Recipient, the successful firm and the Manager will conduct a post-award meeting to review FHWA requirements associated with the contract tasks.

#### DESIGN

Design development and management will begin with a competitive bid process for design engineering services that meets Title 23 USC requirements, including advertising in regional and statewide publications. Prior to advertising, the project sponsor will submit the procurement process and advertising package to the Manager for approval. Subsequent to selection, the Recipient will conduct a post-award meeting as outlined in the paragraph above.

A selected design-qualified engineering firm will execute tasks and develop products including, the National Environmental Policy Act (NEPA), design, utilities, and Right of Way approvals, including the Buy America Steel program, appropriate for Title 23 USC requirements and site conditions. The Manager, in consultation with FHWA will conduct subsequent product reviews and approvals as needed. If the project is funded for and scheduled for construction, the engineering firm will prepare construction bid documents for review and approval, and will execute subsequent advertising, selection and negotiation tasks for the Recipient.

#### CONSTRUCTION

Construction Management will be accomplished through a qualified construction management firm, selected by the Recipient through a competitive bid process compatible with Title 23 USC requirements. Prior to advertising, the project sponsor will submit the procurement process and advertising package to the Manager for approval.

If construction bid documents are not in place for the Denali Commission funded project, the selected engineering firm will prepare construction bid documents for approval, and will execute subsequent advertising, selection and negotiation tasks for the Recipient.

The Recipient, through the selected engineering firm, will execute construction under Davis-Bacon wage requirements and in accordance with the project's approved NEPA

environmental documents, Corps of Engineers permits, and other federal, state and local permits.

The Recipient owns the facility and will ensure a clear Right of Way adequate for construction. The approved environmental and Right of Way documents will be retained in the project's file at Denali Commission. The Recipient is responsible for ongoing maintenance after construction is complete.

All Denali Commission funding is intended for use within the scope of work identified in the Award document only. Any balance of funds remaining after the full scope of work has been completed will be returned to the Denali Commission.

## **2. Milestones**

The following milestones are identified as the major steps to be completed as part of the project. "Planned" dates for the first milestone are included here. As part of each progress report, Gulkana Village Council reporting systems will update the progress toward meeting these milestones (see section 7, Reporting).

Milestone	Planned		Actual		Units	Total Cost At Completion
	Start Date	End Date	Start Date	End Date		
<b>Preliminary design including Environmental Documents</b>	N/A	N/A			0	\$0.00
<b>Final Design including Right of Way Documents</b>	N/A	N/A			0	\$0.00
<b>Construction Phase</b>	08/01/2007	12/31/2008			0	\$0.00
<b>Project Close-out</b>	01/01/2009	03/31/2009			0	\$0.00

## **3. Award Performance Period**

The Award performance period is August 1, 2007 through March 31, 2009. This is the period during which Award recipients can incur obligations or costs against this Award.

## **4. Direct and Indirect Costs**

Direct costs associated with the Gulkana Road Paving project are allowed under this document. Indirect costs associated with Gulkana Village Council management of Denali Commission funds are allowed at the rate established by Denali Commission at 4.88% for 2007 and approved by FHWA for Title 23 funds.

## **5. Budget and Program Revisions**

The Uniform Administrative Requirements, OMB A-102, apply to this Award. Please refer to this circular for specific details on revisions to this Award. The circular requires



Gulkana Village Council to inform the Denali Commission in writing at the earliest possible date of any unanticipated project cost overrun, project schedule delays, or changes in the project scope or changed site conditions. The Gulkana Village Council is responsible for cost overruns on this project.

## **6. Payments**

Payments under this Award will be made by electronic transfer in response to a "Request for Advance or Reimbursement", Standard Form 270 (SF-270) submitted by Gulkana Village Council. Requests for advances or reimbursements may be made at the end of each quarter and should be submitted no later than 30 days after the federal quarter. The SF-270 must be submitted to the Denali Commission via fax, e-mail ([finance@denali.gov](mailto:finance@denali.gov)) or mail in order for payment to be processed. The form is available on the OMB website: [http://www.whitehouse.gov/OMB/grants/grants\\_forms.html](http://www.whitehouse.gov/OMB/grants/grants_forms.html). Payments shall be made in accordance with OMB A-102. Please contact the Denali Commission's Finance Manager at (907)-271-1414 for further information about submitting this form. **No interest will be accrued on these funds.**

## **7. Reporting**

Two forms of project reporting are required under this Award, listed below. The Gulkana Village Council shall submit reports using the Denali Commission's on-line Project Database System, available at [www.denali.gov](http://www.denali.gov). If there are technical limitations which may prevent the recipient from meeting this requirement, please contact the Program Manager listed in this agreement.

- a. **Progress Reports** shall be submitted on a quarterly basis. The first reporting period is August 1, 2007 through June 30, 2007 and quarterly thereafter. Reports are due within 30 days of the end of the reporting period. Progress reports shall include the following:
  - i. Total project funding, including both Denali Commission funding and other project funding sources.
  - ii. The total project expenditures for the project as of the end of the reporting period, including both Denali Commission and other funding sources.
  - iii. Updated schedule and milestone information as identified in the Scope of Work
  - iv. Narrative summary of the project status and accomplishments to date, and address the following questions: is the project on schedule, is the project on budget, and what actions are planned to address any project problems.
  - v. Photographic documentation of project progress shall be provided with the progress reports for active construction projects. The photo documentation shall include a minimum of three, dated photos during the construction period such that a complete record of the construction is maintained over time, from "before," showing the situation before the start of construction, to "during"

showing work proceeding on the project, and "after" to show the finished project. Photos shall be provided in a digital format as part of the on-line report. A short description of the activity and names of those in the photos shall also be provided.

- b. **Federal Single Audits** shall be submitted annually, when required. In accordance with OMB Circular A-133, which requires [subpart 200] "Non-Federal entities that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of this part [subpart 205]. The determination of when an award is expended should be based on when the activity related to the award occurs."

Recipients shall also submit single audits to the Federal Clearinghouse as designated by OMB. Information can be found on the following web-site:

<http://harvester.census.gov/sac/>

## **8. *Project/Award Close-Out***

The project close-out report shall be completed within 90 days of the end of the Award performance period or within 90 days of the completion of the project, whichever is earlier. Recipients must also draw down any remaining funds for expenditures incurred under this award during this 90-day period.

The project close-out report shall be submitted on-line through the Denali Commission on-line Project Database System, available at [www.denali.gov](http://www.denali.gov). The project close out will require the recipient to submit the following information:

- a. Final data for each item listed in paragraph 7(a) "Progress Reports"
- b. Final project expenditures itemized by the following categories: planning & design; materials & equipment; freight; labor; project administration/overhead and other expenses.
- c. Acknowledgement of support: For all construction projects, the Award recipient shall display a sign that acknowledges the Government's support for the project(s) developed under this Award. The Commission will provide an appropriate sign. The Award recipient must request an indoor and/or an outdoor sign from Denali Commission. Pickup or delivery of the sign can be arranged at that time.

## **9. *Public Policy Laws and Assurances***

Award Recipients are required to comply with the public policy laws and assurances on Standard Forms SF 424d (construction projects). This form must also be signed by a certifying official of the organization. The attached Federal Highway Administration Form 47 is also required for reporting on construction phase activities funding under CFR Title 23 regulations. Some of the laws are highlighted below for your reference.

To the maximum extent practicable, considering applicable laws, Funding Recipients shall accomplish the project contemplated by the Award using local Alaska firms and labor.

No portion of this award may be used for lobbying or propaganda purposes as prohibited by 18 U.S.C. Section 1913 or Section 607(a) of Public Law 96-74.

Project level environmental reviews in accordance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) will be prepared as part of project design for Denali Commission approval.

#### ***10. Non-Compliance with Award Conditions***

Recipients not in compliance with the terms and conditions of this Financial Assistance Award will be notified by the Denali Commission. The Denali Commission will work with the recipient to identify the steps necessary to bring them back into compliance, and will establish an appropriate time frame for the corrections to be made. If the corrections have not been made by the deadline, the Denali Commission reserves the right to either suspend or unilaterally terminate the Financial Assistance Award for non-performance.

#### ***11. Program Manager, Financial Manager & Other Contact Information***

<b>Denali Commission</b>	<b>Gulkana Village Council</b>
Mr. Mike McKinnon Transportation Program Manager 510 "L" Street, Suite 410 Anchorage, AK 99501 Phone: 907-586-1986 Fax: 907-271-1415 E-mail: <a href="mailto:mgmckinnon@gci.net">mgmckinnon@gci.net</a>	Mr. John Devenport Project Manager Gulkana Village Council P.O. Box 254 Gakona, AK 99586 Phone: 907-822-3172 Fax: 907-822-3976 Email: <a href="mailto:Admin@GulkanaCouncil.org">Admin@GulkanaCouncil.org</a>
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**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE DENALI COMMISSION  
AND  
THE FEDERAL HIGHWAY ADMINISTRATION  
RELATING TO  
THE DENALI ACCESS SYSTEM PROGRAM  
AUTHORIZED IN SAFETEA-LU (PL 109-59)**

**I. Purpose**

The purpose of this Memorandum of Understanding (MOU) is to implement the requirements of Section 309 of the Denali Commission Act of 1998 ("Act") (Pub. L. No. 105-277, Division C, Title III, 112 Stat. 2681-637, as amended [codified at 42 U.S.C. 3121 note]) by Section 1960 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users ("SAFETEA-LU") (Pub.L. No. 109-59, 119 Stat. 1144).

**II. Authority**

This agreement is entered into by the Federal Highway Administration (FHWA) and the Denali Commission (Commission) pursuant to SAFETEA-LU which redesignated and replaced Section 309 of the Act.

**III. The Commission agrees to:**

A. Provide SAFETEA-LU funds to capable agencies for the planning, design and construction of road and other surface transportation infrastructure in Alaska Native villages and rural communities.

B. Distribute SAFETEA-LU funds in accordance with Commission methodologies and procedures; consider recommendations by the Denali Access System Program Advisory Committee (a.k.a. Transportation Advisory Committee).

C. Comply with Title 23, U.S.C., Federal-aid program requirements, except as noted below. These requirements include, but are not limited to, metropolitan and statewide planning; procurement of engineering and design related service contracts; Title VI of the Civil Rights Act; prevailing wage rates; acquisition of right-of-way; right-of-way approvals; utility approvals; environmental approvals; design approvals; Plans, Specifications & Estimates (PS&E) approvals; concurrence in awards; and construction-related activities.

**1. Exceptions to Title 23, U.S.C.:**

a) Preference to Alaska Materials and Products -- To construct a project under Section 309 of the Act, the Commission shall encourage, to the maximum extent practicable, the use of employees and businesses that are residents of Alaska.

- b) Design Standards – Each project carried out under Section 309 of the Act shall use technology and design standards determined by the Commission to be appropriate given the location and functionality of the project.
- c) For purposes of projects carried out under Section 309 of the Act, the Commission shall be designated as the lead agency for purposes of accepting Federal funds and for purposes of carrying out this project.
- d) The Commission may utilize their own Federal contracting requirements for the letting of contracts.

IV. The FHWA agrees to:

Allocate funding, authorized and made available, to the Commission under Section 309 of the Act to pay the costs of planning, designing, engineering, and constructing road and other surface transportation infrastructure identified for the Denali Access System Program.

V. Funding and Reporting

- A. The Commission may use funds made available for the Denali Access System Program to meet the non-Federal share of the cost of projects being developed under Title 23 U.S.C.;
- B. The Federal share of the cost of any project that is solely being administered by the Denali Commission shall be determined in accordance with Section 120 (b) of Title 23 U.S.C. The non-Federal share match for these funds must come from non-Federal sources, unless the source of Federal funds has specific legislative authority that allows the match to be other Federal funds; and
- C. Submit periodic reports to FHWA that summarize project development and construction activities. On a monthly basis, submit a year-to-date trial balance for all funds allocated by program and Treasury Symbol, no later than 5 working days from the end of the month, and an SF 133 by program no later than 15 calendar days from the end of the month. On a quarterly basis, submit a request for liquidating cash via SF 1151 (Nonexpenditure Transfer Authorization). Upon year-end closing (by the 8<sup>th</sup> working day following fiscal year-end), submit a breakout of obligations by program and object class, and a full-time equivalent (FTE) report. The fourth quarter report will include an annual program summary that includes number and types of projects, a final expenditure report and status of project completion.

VI. Point of Contact for the Commission and the FHWA:

For the Denali Commission:  
Director of Finance and Administration  
Denali Commission  
510 L Street, Suite 410  
Anchorage, AK 99501

907 271-1414 phone  
907 271-1415 fax  
888 480-4321 toll free

For the Federal Highway Administration:  
Deputy Division Administrator  
FHWA Alaska Division  
P.O. Box 21648  
Juneau, AK 99802

907 586-7418 phone  
907 586-7420 fax

## VII. SUMMARY

This agreement shall become effective on the date of the approving signatures.  
Termination of this agreement or renegotiation of any part shall be by the mutual  
concurrence of both parties.


## APPROVED

By the Denali Commission

  
\_\_\_\_\_  
George J. Cannelos  
Federal Co-Chair

17 July 06  
\_\_\_\_\_  
Date

By the Federal Highway Administration:

  
\_\_\_\_\_  
J. Richard Capka  
Administrator

6 JUL 06  
\_\_\_\_\_  
Date



# STATEMENT OF MATERIALS AND LABOR USED BY CONTRACTORS ON HIGHWAY CONSTRUCTION INVOLVING FEDERAL FUNDS

## PART A To be completed by FHWA or State Highway Personnel (See instructions on reverse)

STATE*		COUNTY		FEDERAL PROJECT NO.*		URBAN ( ) RURAL ( )*	
ITEM	DESCRIPTION		ROADWAY		BRIDGE (Over 20 ft)		DATE STARTED*
CONSTRUCTION TYPE CODES							
1	LENGTH OF PROJECT	MILES					DATE COMPLETED*
2	FINAL* CONSTRUCTION COST	DOL.					TOTAL NO. BRIDGES

## PART B To be completed by; contractor - see instructions on reverse (REMARKS Attach a plain sheet of paper)

3	LABOR* TOTAL PROJECT		TOTAL LABOR-HOURS		GROSS EARNINGS		28 CLAY PIPE	
							SIZE (In.)	LGTH (Lin ft)
ITEM	DESCRIPTION	UNIT	PROJECT QUANTITY		CULVERT ITEMS			
4	TOTAL COST OF ALL MATERIALS AND SUPPLIES*	DOL.			SIZE (In.)	LGTH (Lin ft)		
5	PETROLEUM PRODUCTS*	GAL.			26 CORR. STEEL CULVERT			
6	CEMENT	BBL.						
7		LB.						
8		TON.						
9	AGGREGATES PURCHASED	TON.					29 CORR. ALUMINUM CULVERT	
10		CU. YD.						
11	BITUMINOUS MATERIAL	GAL.						
12	LUMBER	THSD. BD. FT.						
13	REINFORCING STEEL	LB.						
14	STRUCTURAL STEEL	LB.			27 CONCRETE PIPE			
15	READY-MIXED CONCRETE	CU. YD.						
16	PREMIXED BITUMINOUS PAVING MATERIALS	TON.						
17	AGGREGATES PRODUCED	TON.					30 PLASTIC PIPE	
18		CU. YD.						
19	MISCELLANEOUS STEEL	LB.						
20	NOISE BARRIERS	LIN. FT.						
21	GUARDRAIL	LIN. FT.						
22	BRIDGE RAIL	LIN. FT.						
23	FINAL CONTRACT AMOUNT FOR SIGNS	DOL.						
24	FINAL CONTRACT AMT. FOR LIGHTING	DOL.						
25	FINAL CONTRACT AMT. FOR TRAFFIC SIGNALS	DOL.						

\*MUST BE REPORTED ON ALL REPORTS

REVIEWED BY

DATE

DISCARD BEFORE  
SUBMISSION

DEPARTMENT OF TRANSPORTATION  
Federal Highway Administration

SUPPLEMENTAL  
INFORMATION

**STATEMENT OF MATERIALS AND LABOR USED BY  
CONTRACTORS ON HIGHWAY CONSTRUCTION INVOLVING FEDERAL FUNDS**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this form is 2125-0033. The average completion time for this form is 5 hours. If you wish to make suggestions, please fax them to 202-366-3988; or mail to:

Federal Highway Administration  
Construction Cost Analysis Group, HNG-13  
400 7th Street, SW  
Washington, D.C. 20590



## INSTRUCTIONS FOR PREPARING AND TRANSMITTING FORM FHWA-47

### GENERAL REQUIREMENTS

Form FHWA-47 should be transmitted for each Federal-aid project involving construction performed under contract awarded by competitive bidding that is located on the National Highway System (NHS), except projects for which the total final construction cost of the roadway and bridge is less than \$1,000,000 or projects consisting primarily of (1) the installation of protective devices at railroad grade crossings, or (2) highway beautification.

Form FHWA-47 should be transmitted with or, if data is already available, in advance of the Final Report required by Federal-aid Policy Guide Chapter 6 G 6011.11

A separate form should be transmitted for each contract except that data for two or more contracts on the same project may be combined when such contracts are completed at approximately the same time. In case of a combination, the earliest starting date and the latest completion date should be reported. Where a single contract covers more than one project, one form may be prepared for each project or for the entire contract, provided none of the data are duplicated. A Form FHWA-47 should not be prepared for a contract covering only the purchase of material but the quantity of material should be reported when subsequently included in a construction project. In all cases, only the original of Form FHWA-47, typed or clearly lettered, and no carbon or photocopies, should be transmitted to the Washington Office.

If nonparticipating work is included in the contract, all data should be combined with the Federal-aid data in preparing the form. Data for any subcontract must be combined by the State or the division office with the prime contract if not so combined by the prime contractor. It will be the State's responsibility to see that all prime contract and subcontract costs, material, and labor-hours have been reported for each contract, and no duplication of data are involved. Quantities of State-furnished materials should be included with contract quantities, and costs of STATE-furnished materials should be added to Item 2 "Final Construction Cost" and also to Item 4 "Total Cost of All Materials and Supplies." All quantities should be reported to the nearest whole unit and only in the units specified. All costs should be reported to the nearest dollar.

Check urban or rural to indicate whether the major cost is for work within an urban area or in a rural location.

All figures should be verified for reasonableness by State highway department and Federal Highway Administration division office engineers. The total material cost and the total labor-hours and gross earnings should bear reasonable relationships to the final construction cost. Also the quantity of each material reported should be reasonable with respect to the quantities of other materials. For example, if a large quantity of reinforcing steel is reported with no cement or ready-mixed concrete, an error of omission in reporting would be indicated.

Generally, the total cost of materials, supplies, and labor should be substantially less than the final construction cost, as the latter also includes costs of equipment ownership, overhead, and profit which are not required to be reported. If the final construction cost is less or only a few percent more than the total cost of materials, supplies and labor, the indication is that the contractor suffered a loss on the project or that there is an error in reporting. In such case, if it is determined that the figures reported are correct, a statement should be made on a plain sheet of paper marked "Remarks" to the effect that the contractor actually did suffer a loss, (verify with contractor).

### PART A - INFORMATION TO BE SUPPLIED BY FEDERAL HIGHWAY ADMINISTRATION OR STATE HIGHWAY PERSONNEL (FEDERAL-AID POLICY GUIDE CH. 6 G 6011.11)

**Item 1 - "Length of Project."** - Report official roadway mileage and official bridge mileage.

**Item 2 - "Final Construction Cost"** - Show best estimate of Federal and State costs incurred to date for contract items, extra work performed by contractor, and State-furnished materials.

\*Quantities of steel, concrete and lumber used in connection with Items 20, 21, 22, 23, 24, and 25 should not be reported unless difficulties are encountered in segregating such quantities from total quantities.

FORM FHWA-47 (Rev. 7-98)

### PART B - INFORMATION TO BE SUPPLIED BY CONTRACTOR IMMEDIATELY UPON COMPLETION OF CONTRACT OR PROJECT

#### Specific Instructions for the Following Numbered Items:

**Item 3** - Report total labor-hours worked and earnings of all contractor's employees on the project, including those on operation and maintenance of equipment.

**Item 4** - This should be the total cost, at the jobsite of all construction materials and supplies purchased for and used on the project, including the cost of materials for signing and lighting and the cost of any materials and supplies not specifically listed hereon. Costs of equipment or equipment rental and the cost of operating the equipment, except the costs of fuel and lubricants, should not be included in this item. Small items of equipment such as jackhammers, handtools, repair parts, tires, etc., are not considered to be supplies. Costs of such items and also overhead costs should not be included. The amount included here for aggregates produced should be only the cost paid by the contractor for the aggregates and should not include the costs of excavating, processing, loading and hauling. Wages and labor-hours for aggregates produced should, of course, be included with Item 3.

**Item 5** - Report total number of gallons of all gasoline, diesel oil, lubricating oil, and grease for equipment and trucks. For conversion purposes use factor of 8 pounds of grease per gallon.

**Items 6, 7, and 8** - Report quantity of cement used on project. Do not report here the cement included in Item 15.

**Items 9 and 10** - Report quantity of aggregates purchased from commercial producers, such as sand, gravel, crushed stone, etc. Do not report here aggregates included in Items 15 and 16. Aggregates produced by the contractor shall be reported as Items 17 and 18.

**Item 11** - Report number of gallons of bitumens such as asphalt and tar. Do not report here bituminous materials included in Item 16.

**Item 12** - Report all lumber products purchased for and use on the project, including plywood and pressed wood, but excluding timber piling, lumber in fencing, guardrail, and signs, and lumber purchased for or used on previous projects and previously reported. The quantity of lumber should be reported as the number of thousand board feet and not as the number of board feet.

**Item 13** - Report total number of pounds of reinforcement (plain or coated) for both structures and pavement. Include estimated quantities of reinforcing and prestressing steel in purchased precast units, except concrete pipe reinforcement.

**Item 14** - Report total number of pounds of structural steel, steel H-piling, and sheet piling.

**Item 15** - Report total number of cubic yards of ready-mixed concrete plus estimated quantity of concrete in purchased precast units, excluding Item 26.

**Item 16** - Report total number of tons of bituminous paving mixtures that are purchased in a prepared condition ready for placement as they reach the job.

**Items 17 and 18** - Report total quantity of aggregates such as sand, gravel, crushed stone, etc., produced by the contractor.

**Item 19** - Report estimated total weight of steel products not appropriate for Items 13, 14 and 26, such as joint devices, tubular piling, etc.

**Items 20, 21, and 22** - Report total lengths, in linear feet, of all types of noise barriers, guardrail and bridge rail.\*

**Item 23** - Report final contract amount for all types of signs including foundations, posts, structural supports, etc. Do not include traffic signals.\*

**Item 24** - Report final contract amount for highway and bridge lighting including foundations, conduits, standards, wiring, switches, luminaires, etc. Do not include traffic signals.\*

**Item 25** - Report final contract amount for traffic signals.\*

**Item 26** - Report, by size, regardless of class, type, gauge or coating, total number of linear feet of corrugated steel pipe, structural plate pipe, pipe-arches and arches.

**Item 27** - Report, by size, regardless of class, type, gauge or coating, total number of linear feet of plain and reinforced concrete drain and culvert pipe.

**Item 28** - Report, by size, total number of linear feet of clay pipe.

**Item 29** - Report, by size, total number of linear feet of corrugated aluminum culvert.

**Item 30** - Report, by size, total number of linear feet of plastic pipe.